

VIA HAND DELIVERY

September 21, 1999

Magalie Roman Salas, Secretary
Federal Communications Commission
445 - 12th Street, S.W.
TW-A325
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL

Re: Ex Parte Presentation in CC Docket No. 98-141

EX PARTE OR LATE FILED

Dear Ms. Salas:

Today the undersigned, accompanied by Ernest B. Kelly, III, and Stephen D. Trotman, President and Vice President - Industry Relations, respectively, of the Telecommunications Resellers Association ("TRA"), met with Commissioner Harold Furchtgott-Roth and Staff to express the concerns of TRA's membership with certain of the conditions offered by SBC Communications Inc. and Ameritech Corporation in an attempt to mitigate the competitive harms that would be occasioned by their proposed merger, objecting in particular to the use of a separate subsidiary to avoid the merged entity's obligation to make available at wholesale rates for resale advanced telecommunications services. Materials distributed at that meeting are attached hereto.

Respectfully submitted,



Charles C. Hunter
General Counsel
Telecommunications Resellers Association

Attachment

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List ABCDE



Telecommunications
Resellers
Association

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**CONDITIONS PROPOSED BY
SBC CORPORATION INC. AND AMERITECH CORPORATION
TO MITIGATE THE ANTI-COMPETITIVE IMPACTS
OF THEIR PROPOSED MERGER**

A SMALL CARRIER ASSESSMENT

Conditions

Provision of Advanced Services
Through a "Separate" Subsidiary

Additional Resale Discounts,
Additional Discounts on UNE Loops,
Availability of UNE Platform

Operations Support Services:
Assistance for Small Carriers

Waiver of Charges

Enhancements and
Additional Interfaces

Assessment

Contrary to law and the public interest;
Accomplishes indirectly that which Section 10(d)
prohibits the Commission from doing
directly – *i.e.*, prematurely relieving
incumbent LECs of their Section 251(c)
responsibilities;

Ineffective: the minimal required separation will
not safeguard against anti-
competitive abuses;

Unnecessary: market forces are driving the
deployment of advanced services
capability.

Mitigative impact diminished significantly by
excessive restrictions on number of lines,
service applicability, duration, service
offerings, and bundling.

Theoretically positive, but will require a complete
change in SBC/Ameritech's mind-set which
is unlikely to occur;

Positive impact limited by restriction to electronic
order submission;

Concerns: Lengthy Deployment schedule and
potentially burdensome cost
assessments

Agreements:

Out-of-Region/In-Region	Mitigative impact undermined by exclusion of arbitrated agreements, resale arrangements and pricing elements, imposition of duration limits, and required acceptance of terms and conditions determined by SBC/Ameritech to be part of a "corresponding compromise"
Regional	A generally positive development, but impact diminished by lack of pricing uniformity
Alternative Dispute Resolution	A positive development
Collocation Compliance Plan ARMIS Reporting	Merely restates existing requirements
Federal Performance Parity Plan Availability of Line Sharing Availability of Shared Transport Unbundled Access to Current Set of Network Elements Additional Service Quality Reporting MDU Cable Access	Could be unilaterally imposed by the Commission or could be imposed on the basis of existing records in ongoing Commission proceedings
National-Local Strategy	Market driven
Deployment of Advanced Services in Low Income Areas Long Distance Monthly Fees Enhanced Lifeline Plans	No competitive impact